

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA**

In re: : Chapter 13
Anthony T. Richichi and :
Jennifer B. Richichi, :
Debtors. : Bankruptcy No. 11-19198-MDC

ORDER

AND NOW, Alfred M. Abel (the “Applicant”), counsel to Anthony T. Richichi and Jennifer B. Richichi (the “Debtors”), filed a Supplemental Application for Compensation and Reimbursement of Expenses dated March 3, 2017 (the “Supplemental Application”).¹

AND, pursuant to the Supplemental Application, the Applicant requests the allowance of compensation in the amount of \$1,725.00 and the reimbursement of expenses in the amount \$450.00 (the “Supplemental Fees”).

AND, the Applicant filed a certification that proper service of the Supplemental Application has been made on all interested parties.

AND, the Applicant filed a Certification of No Response dated March 23, 2017.

AND, the Applicant was previously awarded compensation in the amount of \$4,000.00 and the reimbursement of expenses in the amount \$0.00 pursuant to this Court’s Order dated September 14, 2012.²

AND, pursuant to the Debtors’ Amended Chapter 13 Plan filed on June 4, 2012 (the “Plan”),³ and approved by this Court pursuant to an Order dated August 9, 2012,⁴ the Plan does not provide for the payment of any attorney’s fees through the Plan.

¹ Bankr. Docket No. 81.

² Bankr. Docket No. 59.

³ Bankr. Docket No. 41.

⁴ Bankr. Docket No. 49.

AND, in the Supplemental Application, the Applicant disclosed that he received \$450.00 (the Undisclosed Payment”) from the Debtors pre-petition for expenses.

AND, in the initial Disclosure of Compensation of Attorney for Debtor (“Rule 2016(b) Disclosure”)⁵, and the Amended Rule 2016(b) filed on August 14, 2012,⁶ the Applicant did not disclose receipt of the Undisclosed Payment.

AND, in the Supplemental Application, Applicant does not provide a list of expenses for which the Court may approve payment of the Undisclosed Payment.

AND, on February 16, 2017, the Chapter 13 Trustee filed Final Report and Account.⁷

AND, on February 17, 2017, the Notice of Deadline for Objection to Discharge was issued by the Clerk’s office noticing the deadline for objecting to the Debtors’ discharge as March 19, 2017 (“Discharge Deadline”).⁸

It is hereby **ORDERED** that:

1. A hearing shall be held on **May 11, 2017, at 11:30 a.m.**, in **Bankruptcy Courtroom No. 2, U.S. Bankruptcy Court, 900 Market Street, Philadelphia, PA** (the “Show-Cause Hearing”), to consider the following:

a. Whether sufficient funds are available to fund payment of the Supplemental Fees through the Debtors’ Plan. *See, e.g., In re Carter*, Bky. No. 00-75939, 2006 WL 6588999, *3 (Bankr. N.D. Ga. Apr. 14, 2006); *In re McDuffie*, Bky. No. 03-65333, 2005 WL 3108234, *1 (Bankr. D. Md. Feb. 22, 2005).

b. Whether Applicant is entitled to an award for expenses when Applicant failed to (i) disclose receipt of the Undisclosed Funds on the Rule 2016(b) Disclosures, and (ii) provide any details in support of his request for the Undisclosed Funds.

⁵ Bankr. Doc. No. 1.

⁶ Bankr. Doc. No. 52.

⁷ Bankr. Doc. No. 78.

⁸ Bankr. Doc. No. 79.

c. Whether the Applicant is entitled to an award of attorney fees and costs given that the Chapter 13 Trustee has filed the Final Report and the expiration of the Discharge Deadline.

2. At the Show-Cause Hearing, the Applicant shall have the written retainer agreement with the Debtors available for review by the court and parties in interest.

Dated: April 18, 2017



MAGDELINE D. COLEMAN
UNITED STATES BANKRUPTCY JUDGE

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